

MONTANA LEGISLATIVE HISTORY

Chapter 442 1987

Bill H _____ S 181 Original bill & history ✓c

H. Committee on Judiciary

Hearing Date(s) Mar 13 ✓c

Mar 24 ✓c

_____c

_____c

Date Out _____c

S. Committee on Judiciary

Hearing Date(s) Jan 29 ✓c

Feb 02 ✓c

_____c

_____c

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

SENATE FINAL STATUS

2/16 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/18 2ND READING NOT PASSED 38 9

SB 179 INTRODUCED BY BECK, MEYER
 REPEALING PRORATION OF MOTOR VEHICLE FEES WITH
 EXCEPTIONS
 BY REQUEST OF DEPARTMENT OF JUSTICE

1/21 INTRODUCED
 1/21 REFERRED TO HIGHWAYS & TRANSPORTATION
 1/21 FISCAL NOTE REQUESTED
 1/27 FISCAL NOTE RECEIVED
 2/05 HEARING
 2/17 COMMITTEE REPORT--BILL PASSED
 2/19 2ND READING PASSED 50 0
 2/21 3RD READING PASSED 49 0

TRANSMITTED TO HOUSE
 2/23 REFERRED TO TAXATION
 3/26 HEARING
 4/10 TABLED IN COMMITTEE

SB 180 INTRODUCED BY HARDING, VAUGHN
 RECORDING INSTRUMENTS RELATING TO LAND SUBJECT TO
 SURVEY REQUIREMENT

1/21 INTRODUCED
 1/21 REFERRED TO LOCAL GOVERNMENT
 1/27 HEARING
 2/02 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/05 2ND READING PASSED 49 0
 2/07 3RD READING PASSED 47 0

TRANSMITTED TO HOUSE
 2/11 REFERRED TO LOCAL GOVERNMENT
 3/04 HEARING
 3/05 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/07 2ND READING CONCURRED 87 0
 3/09 3RD READING CONCURRED 95 1

RETURNED TO SENATE WITH AMENDMENTS
 3/18 2ND READING AMENDMENTS CONCURRED 48 0
 3/19 3RD READING AMENDMENTS CONCURRED 49 0
 3/24 SIGNED BY PRESIDENT
 3/25 SIGNED BY SPEAKER

3/25 TRANSMITTED TO GOVERNOR
 3/29 SIGNED BY GOVERNOR
 CHAPTER NUMBER 268 EFFECTIVE DATE: 3/29/87

SB 181 INTRODUCED BY VAN VALKENBURG, GRADY
 SUSPENDING DRIVER'S LICENSE FOR FAILURE TO APPEAR OR
 TO PAY FINE

1/21 INTRODUCED
 1/21 REFERRED TO JUDICIARY
 1/21 FISCAL NOTE REQUESTED
 1/29 FISCAL NOTE RECEIVED
 1/29 HEARING
 2/04 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/07 2ND READING PASSED 47 0
 2/10 3RD READING PASSED 44 6

TRANSMITTED TO HOUSE

SENATE FINAL STATUS

2/11 FISCAL NOTE REQUESTED
 2/18 FISCAL NOTE RECEIVED
 2/18 REFERRED TO JUDICIARY
 3/13 HEARING
 3/25 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/27 2ND READING CONCURRED 65 27
 3/28 3RD READING CONCURRED 64 27

 RETURNED TO SENATE WITH AMENDMENTS
 4/01 2ND READING AMENDMENTS CONCURRED 49 0
 4/02 3RD READING AMENDMENTS CONCURRED 50 0
 4/06 SIGNED BY PRESIDENT
 4/07 SIGNED BY SPEAKER

 4/07 TRANSMITTED TO GOVERNOR
 4/09 SIGNED BY GOVERNOR
 CHAPTER NUMBER 442 EFFECTIVE DATE: 10/01/87

SB 182 INTRODUCED BY MEYER, KOLSTAD, GAGE, ET AL.
 CORPORATE STOCK ESCROW AS CONDITION OF SECURITIES
 REGISTRATION
 BY REQUEST OF STATE AUDITOR AND SECURITIES
 COMMISSIONER

1/21 INTRODUCED
 1/21 REFERRED TO BUSINESS & INDUSTRY
 1/28 HEARING
 1/29 COMMITTEE REPORT--BILL PASSED
 2/02 2ND READING PASSED 49 0
 2/04 3RD READING PASSED 50 0

 TRANSMITTED TO HOUSE
 2/11 REFERRED TO BUSINESS & LABOR
 3/05 HEARING
 3/05 COMMITTEE REPORT--BILL CONCURRED
 3/07 2ND READING CONCURRED 82 6
 3/09 3RD READING CONCURRED 90 7

 RETURNED TO SENATE
 3/11 SIGNED BY PRESIDENT
 3/12 SIGNED BY SPEAKER

 3/12 TRANSMITTED TO GOVERNOR
 3/16 SIGNED BY GOVERNOR
 CHAPTER NUMBER 107 EFFECTIVE DATE: 3/16/87

SB 183 INTRODUCED BY REGAN
 PROVIDE RETIREMENT EQUALIZATION AID TO COUNTIES FOR
 SCHOOL DISTRICTS
 BY REQUEST OF LEGISLATIVE FINANCE COMMITTEE

1/21 INTRODUCED
 1/21 REFERRED TO TAXATION
 1/21 FISCAL NOTE REQUESTED
 1/28 FISCAL NOTE RECEIVED
 2/02 HEARING
 2/21 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/24 2ND READING PASSED 40 8
 2/25 3RD READING PASSED 45 5

 TRANSMITTED TO HOUSE
 3/03 REFERRED TO TAXATION
 3/25 HEARING
 4/10 COMMITTEE REPORT--BILL CONCURRED AS AMENDED

1 *Senate* BILL NO. 181
2 INTRODUCED BY Van Valkenburg Greath
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SUSPENSION OF
5 A DRIVER'S LICENSE FOR FAILURE TO APPEAR IN COURT OR FAILURE
6 TO PAY A FINE, COSTS, OR RESTITUTION AFTER CONVICTION OF
7 CERTAIN OFFENSES."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Mandatory suspension for failure to appear
11 or pay fine. The department shall suspend the license or
12 driving privilege of an operator or chauffeur immediately
13 upon receipt of a certified copy of a docket page or other
14 sufficient evidence from the court that the operator or
15 chauffeur:
16 (1) is guilty of a violation of 61-5-302 through
17 61-5-306, 61-5-309, or chapters 3, 7, 8, 9, or 10 of this
18 title or is guilty of a criminal offense and was driving or
19 was in actual physical control of a motor vehicle when the
20 offense occurred; and
21 (2) (a) failed to appear as ordered by the court or
22 upon issued summons; or
23 (b) failed to pay a fine, costs, or restitution
24 amount; and
25 (3) received notice, evidenced by a signed receipt for

1 a certified letter or by a statement signed before the court
2 of the provisions of this section.

3 Section 2. Extension of authority. Any existing
4 authority of the department of justice to make rules on the
5 subject of the provisions of this act is extended to the
6 provisions of this act.

7 Section 3. Codification instruction. Section 1 is
8 intended to be codified as an integral part of Title 61,
9 chapter 5, part 2, and the provisions of Title 61, chapter
10 5, part 2, apply to section 1.

-End-

- 2 -

INTRODUCED BILL
SB-181



In compliance with a written request, there is hereby submitted a Fiscal Note for SB181, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring suspension of a driver's license for failure to appear in court or failure to pay a fine, costs or restitution after conviction of certain offenses.

ASSUMPTIONS:

1. 120,000 convictions annually for the violations listed in the bill.
2. 25% of the convictions currently do not appear or fail to pay, but due to the leverage provided by this bill, half of the 25% will now appear and/or pay. And, of the remaining half, 50% would eventually appear and/or pay after their license was suspended.
3. The average fine is \$35 that includes a \$7.50 court cost and a \$10 surcharge to fund deputy county attorneys.
4. The total conviction ratio between state and local is the same as the DUI ratio; that is state 25%, local 75%.

FISCAL IMPACT:

	<u>FY88</u>	<u>FY89</u>
<u>Expenditures for Motor Vehicle Division:</u>		
Personal Services	\$ 78,500	\$104,678
Operating Expenses	4,350	5,800
Equipment	12,100	0
TOTAL	\$ 94,950	\$110,478

Funding:

General Fund Revenue	\$ 10,335	\$ 13,780
Additional General Fund Required	\$ 84,615	\$ 96,698

Revenues:

Driver Education	\$ 36,914	\$ 49,219
Crime Victim	26,579	35,438
General Fund	10,335	13,780
TOTAL	\$ 73,828	\$ 98,437

Local Government Revenue	\$690,000	\$690,000
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 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

DATE 1/28/87

DATE _____
 FRED VAN VALKENBURG, PRIMARY SPONSOR

Fiscal Note for SB181, as introduced.

Fiscal Note Request, SB181, as introduced.

Form BD-15

Page 2

NOTE: Highway patrol officers are used to collect driver's licenses from individuals who do not voluntarily release their license upon suspension. The equivalent of approximately 3 officers would be taken off the highways to collect the additional suspensions as a result of this bill.

to Mr. Englund if you saved yourself or someone else with a \$25 gun, it means the incident had no social value. He commented he did not agree with that because that \$25 gun saved a life.

Senator Brown closed by stating if they did not cost very much money or if they were easily concealed or light weight, those things make them, by definition, a dangerous gun and the risks out weigh the benefits, that seems pretty obvious to be a "back door approach" to banning hand guns. He said if that is not public policy we want to let stand then I think this is necessary and all it does is say if guns are manufactured to the law, they should not be deemed defective for doing what they were manufactured to do.

CONSIDERATION OF SB 181: Senator Van Valkenburg of Missoula introduced SB 181, which was requested by the Magistrate's Association. He said the bill requires suspension of a driver's license for failure to appear to pay a fine, costs, or restitution after conviction of certain offenses, which are listed in the bill. He said the reason for the bill is many law enforcement people allow violators to pay fines in installment periods and the people don't pay at these times. He felt this bill will give them an incentive to pay the fine.

PROPOSERS: Jim Haynes of the Montana Magistrate's Association spoke in favor of SB 181. He handed out amendments he and the Magistrate's Association worked on for SB 181 (see Exhibit 2). He explained the amendment in subsection (2) of the bill, which posts the set bond amount, address an issue raised by Representative John Mercer, which clarifies one could not give the bond amount to the policeman when stopped, and still be subject to this bill. He said subsection (3) will make a person pay \$50 reinstatement fee to get their license back. He stated many people don't have the money to pay the fines, so you can't throw them in jail, but maybe this act will make these people more aware of what consequence that could happen to them.

Judge Neil Travis of Park County stated that he introduced this bill to the Magistrate's Association. He said certain people will not pay the installments. He said a person can leave for Wolf Point without paying; a warrant is issued for him and the sheriff has to get him, which is expensive for the city and county. He said the person will probably not pay after all this work anyway.

Judge Gary Dupuis of East Helena spoke in favor of SB 181 because many are repeated offenders who can't pay and know they can get away with it. He wishes to see juveniles included in this bill.

DISCUSSION ON SB 181: Senator Mazurek asked Senator Van Valkenburg if he had looked at the amendments. Senator Van Valkenburg did look at them and he said he had no objections to the amendments, and he said there is

a fiscal note coming for this bill. Senator Mazurek asked what he thought about the \$50 reinstatement fee. Senator Van Valkenburg felt it was a little steep.

Senator Blaylock felt these people who get their license suspended will still keep driving anyway. Senator Van Valkenburg responded he did not know what to do with those people, especially when the jails are full, but somehow there will be room for them.

Senator Halligan inquired about a provisional license before the suspension because maybe someone is really working hard to pay a fine but needs their car to work. Senator Van Valkenburg said most judges know who is making a good faith try to pay and this bill is for those who don't try at all.

Senator Beck asked if someone does leave town, who is going to pick up the license and does the fiscal note have something to do with that. Senator Van Valkenburg responded that under the current law the highway patrol picks up suspended licenses, and they assign, on a rotation bases, officers to this duty, and that is where the fiscal note does come into this bill.

Senator Van Valkenburg closed on SB 181.

CONSIDERATION OF SB 160: Senator Joe Mazurek of Helena presented SB 160 to the committee on behalf of the Montana Supreme Court and the Commission on the Rules of Evidence. The bill will revise and clarify the laws relating to statutes of limitation for the commencement of civil actions. He gave copies of the changes and an explanation to each change to the committee (see Exhibit 3).

PROPOSERS: Sam S. Hadden, Commissioner on the Rules of Evidence, said the bill is an out growth of a bill that was passed in the 1983 Legislature that asked the court to supervise the Commission in review of the statute of limitations and venue statutes. He stated it was not the Commission's intent to change the law or develop it beyond the point the Supreme Court had set. He said the entire code has 33 sections and the Commission only change six of the sections. He said the Commission worked under the Supreme Court.

Karl Englund, Montana Trial Lawyers Association, testified in favor of the bill, but had a problem with page 2, section 3, line 4, which deals with the "time clock" on the statute of limitations, which doesn't begin to run until a person knows that they were harmed; if the injury is by its nature concealed or self-concealing. He said that in both subsection (3) and (3a) it is the discovery of the injury that starts the statute of limitation and he felt the reading of the case law cited in the explanation of the bill says it is not just the discovery of the injury

ROLL CALL

Judiciary

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Jan. 29

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Joe Mazurek, Chairman</u>	X		
<u>Senator Bruce Crippen, Vice Chairman</u>	X		
<u>Senator Tom Beck</u>	X		
<u>Senator Al Bishop</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Bob Brown</u>	X		
<u>Senator Jack Galt</u>	X		
<u>Senator Mike Halligan</u>	✓		
<u>Senator Dick Pinsoneault</u>	X		
<u>Senator Bill Yellowtail</u>	X		

Each day attach to minutes.

DATE

Jan. 29th

COMMITTEE ON

VISITORS' REGISTER

NAME

REPRESENTING

BILL #

Check One

Support Oppose

Henry Dupuis

City Judge First Helena

SB181

✓

Neil Traub

City Judge Livingston

SB186

✓

John Hughes

Nat. Hwy. Assn.

SB181

✓

Sam S. Henderson

Commissioner on Public Safety

SB116

✓

(Please leave prepared statement with Secretary)

JAMES A. HAYNES

Attorney at Law

P. O. BOX 544

HAMILTON, MT 59840

TO: Sen. Fred Van Valkenburg
FROM: Jim Haynes, Mt. Magis. Assn.
RE: Amendments to Senate Bill 181

DATE: January 26, 1987

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SUSPENSION OF A DRIVER'S LICENSE FOR FAILURE TO APPEAR IN COURT OR FAILURE TO PAY A FINE, COSTS, OR RESTITUTION AFTER CONVICTION OF CERTAIN OFFENSES."

For the purpose of clarifying S.B.181 and ensuring that positive revenue is generated, the following amendments (underlined) are proposed.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Mandatory suspension for failure to appear or pay fine. The department shall suspend the license or driving privilege of an operator or chauffeur immediately upon receipt of a certified copy of a docket page or other sufficient evidence from the court that the operator or chauffeur:

(1) is guilty of a violation of 61-5-302 through 61-5-306, 61-5-309, or chapters 3, 7, 8, 9, or 10 of this title or is guilty of a criminal offense and was driving or was in actual physical control of a motor vehicle when the offense occurred; and

(2) (a) failed to post the set bond amount or appear as ordered by the court or appear upon issued summons; or

(b) failed to forfeit the posted bond amount or to pay a fine, costs, or restitution amount of \$100.00 or more; and

(3) received notice, evidenced by a signed receipt for a certified letter or by a statement signed before the court of the provisions of this section, including the \$50.00 reinstatement fee.

SENATE JUDICIARY

EXHIBIT NO. 2DATE Jan. 29, 1987BILL NO. SB 181

Section 2.

(1) No provisional, restricted, or probationary license may be issued upon a suspension under this section.

(2) A \$50.00 license reinstatement fee is imposed and payable to the court.

Section 3. Upon receipt of notification from the court that the operator or chauffeur has appeared, posted the bond, or paid the fine, costs, or restitution amounts and the \$50.00 reinstatement fee, the department shall immediately reinstate the license.

Section 4. Extension of authority. Any existing authority of the department of justice to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 5. Codification instruction. Section 1 is intended to be codified as an integral part of Title 61, chapter 5, part 2, and the provisions of Title 61, chapter 5, part 2, apply to Section 1.

- End -

SENATE JOURNAL

EXHIBIT NO. 2

DATE 1-29-87

FILE NO. S.B. 181

ACTION ON SB 160: Karl Englund presented some amendments (see Exhibit 5). Senator Pinsoneault thought the Englund amendments was too complex and redundant. The committee discussed different language for the amendments (see Exhibit 6). Senator Blaylock wanted to use the word "have" over the word "has" in the amendments (Exhibit 6). Senator Pinsoneault moved the amendments (Exhibit 6). The motion CARRIED.

Senator Brown moved the bill DO PASS AS AMENDED. The motion CARRIED.

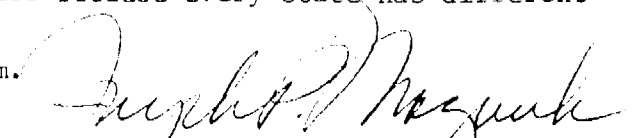
ACTION ON SB 181: Valencia explained the amendments she prepared for the committee (see Exhibit 7). Senator Halligan did not like amendment #8 because he thought the reinstatement fee should be \$25 instead of \$50. Senator Halligan moved the amendments and changed the \$50 to \$25 in the 8th amendment. The motion CARRIED.

Senator Mazurek said some of the judges wanted to see Chapter 12, juveniles, included in this bill. Senator Brown moved to include Chapter 12 into the bill (2nd amendment on the Standing Committee Report). The motion CARRIED.

Senator Brown moved the bill DO PASS AS AMENDED. Senator Mazurek said the bill is not a simple thing of "not paying the fine" issue, but making sure that the one who never thinks he will have to pay the fine, will pay the fine. The motion CARRIED with Senator Beck voting no.

CONSIDERATION OF SB 52 AGAIN: Andrea Bennett, the State Auditor, presented to the committee information on how the insurance rate system works now and how the bill would work. She gave the committee information on the collected fees a year and the insurance regulation budget (see Exhibit 8). She also gave the committee a graph on expenditures vs. fees (see Exhibit 9). She also presented flex rating personnel vs. modified request of this Legislature (see Exhibit 10). She explained she has two half-time people who work with the insurance rates system. She said she has no one with financial background that could tell if the rates are discriminatory or not. She said the Auditor's Office will need both the modifieds and the flex system for the bill to work. She also mentioned that she had no investigators in the Auditor's Office to look at the insurance rates. Senator Brown asked why the flex system is the better system. Ms. Bennett replied that a band will keep the rates stable where the system now is not doing that. Senator Mazurek asked if the flex rating system was to pass, would the department be able to do the job without the extra funding. Ms. Bennett said they could not. Senator Crippen stated that while the flex system does has good merit to it, it has not worked out all the problems of this division. He suggested that Montana really study the other states that have this and find out the weakness in the system. Ms. Bennett felt the flex is more fair to people. She said the policy holders are paying \$647,000 into the General Fund and that is not fair. Ms. Bennett said it is hard to compare other states insurance rates systems to ours because every state has different insurance rates.

The committee adjourned at 12:00 p.m.


Chairman

S.B. 181

1. Title, line 7.
Following: "OFFENSES"
Insert: "; AND REQUIRING PAYMENT OF A REINSTATEMENT FEE"
2. Page 1, line 21.
Following: "to"
Insert: "post the set bond amount or"
Following: "or"
Insert: "appear"
3. Page 1, line 23.
Following: "to"
Insert: "forfeit the posted bond amount or to"
4. Page 1, line 23.
Following: "fine"
Insert: "of \$100 or more"
5. Page 1, line 23.
Following: "costs"
Insert: "of \$100 or more"
6. Page 1, line 24.
Following: "amount"
Insert: "of \$100 or more"
7. Page 2, line 2.
Following: "section"
Insert: ", including the reinstatement fee"
8. Page 2, line 3.
Following: line 2
Insert: "Section 2. Provisional licenses prohibited--
reinstatement fee. (1) No provisional, restricted, or
probationary license may be issued upon a suspension under
[section 1].
(2) A person whose license is suspended under [section
1] must pay a reinstatement fee of \$50 to the court.
Section 3. Reinstatement of license. Upon receipt of
notification from the court that the operator or chauffeur
has appeared, posted the bond, or paid the fine, costs, or
restitution amounts and the reinstatement fee, the
department shall immediately reinstate the license."

Renumber: subsequent sections

7029u/L:JEA\WP:jj

STANDING COMMITTEE REPORT

52131

February 3, 1957.

MR. PRESIDENT

Judiciary

We, your committee on.....

Senate Bill

121

having had under consideration..... No.....

first

white

reading copy (.....)

color

SUSPENDING DRIVER'S LICENSES FOR FAILURE TO APPEAR OR TO PAY FINE

Respectfully report as follows: That..... Senate Bill..... No..... 121.....

BE AMENDED AS FOLLOWS:

1. Title, line 7.

Following: "OFFENSES"

Insert: "; AND REQUIRING PAYMENT OF A REINSTATEMENT FEE"

2. Page 1, line 17.

Following: "61-5-309,"

Insert: "chapter 12, part 6."

3. Page 1, line 21.

Following: "to"

Insert: "post the set bond amount or"

Following: "or"

Insert: "appear"

4. Page 1, line 23.

Following: "to"

Insert: "fix the posted bond amount or to"

Following: "fine"

Insert: "of \$100 or more"

Following: "or"

Insert: "for \$100 or more"

5. Page 1, line 24.

Following: "amount"

Insert: "of \$100 or more"

~~RECESS~~

~~RECESS~~

CONTINUED

Chairman.

February 3,

27

19.....

6. Page 2, line 2.

Following: "section"

Insert: ", including the reinstatement fee"

7. Page 2, line 3.

Following: line 2

Insert: "Section 2. Provisional licenses prohibited --
reinstatement fee. (1) No provisional, restricted, or
probationary license may be issued upon a suspension under
[section 1].

(2) A person whose license is suspended under [section 1]
shall pay a reinstatement fee of \$75 to the court.

Section 3. Reinstatement of license. Upon receipt of
notification from the court that the operator or chauffeur has
appeared, posted the bond, or paid the fine, costs, or
restitution amounts and the reinstatement fee, the department
shall immediately reinstate the license."

Remember: subsequent sections

AND AS AMENDED

DO PASS

supports it. He pointed out that missing the statute of limitations rules is the biggest single cause of lawyer malpractice.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 160: Rep. Gould asked Mr. England if this bill is enacted, will insurance rates go down for attorneys. He answered, "no".

Rep. Bulger asked Mr. England if section 27-2-401 conflicted with the Asay bill and he stated it does not because the specific statute on medical malpractice will govern medical malpractice actions.

Rep. Mercer stated he is concerned with the new section 4 regarding service of out-of-state people. Mr. England was asked to explain why this section was not tied down tighter because anyone can be served by process. Mr. England referred him to page 8 of the explanation (see Exhibit A) and the Commission says that there are two cases McGhee vs. District Court and Beedie vs. Shelley where the court has held that the period of limitations could only be postponed or interrupted where the defendant was not only absent but not capable of being served. The old law on statute of limitations was written before the expansion of an ability to serve someone under rule 4 of the rules of civil procedure.

Senator Mazurek closed the hearing on SB 160.

SENATE BILL NO. 181: Senator Van Valkenburg, District No. 30, stated that SB 181 was introduced at the request of the Montana Magistrates Association and it is designed to aid in the enforcement of fines that are imposed in the court system. He explained if a person is given a fine and fails to pay the fine this bill requires suspension of a driver's license to appear in court or failure to pay a fine, costs or restitution after conviction of certain offenses. This bill further requires payment of a reinstatement fee of \$25.00. The purpose of this bill is to give judges a mechanism to work with in collecting these fines. The bill will generate a total of \$117,000.00 to \$160,000.00 a year and \$60,000.00 to \$80,000.00 will go into the state general fund.

PROPOSERS: BERNIE MCCARTHY, Montana Magistrates Association, stated they support this piece of legislation for the simple reason they need more teeth as an aid in collecting fines and costs. SB 181 gives us additional powers to give the incentives to pay fines. He proposed an amendment to section 2, paragraph 2, to read, "\$25.00 to the motor vehicle division". Written testimony was submitted. (Exhibit A).

WALLACE A. JEWELL, Montana Magistrates Association, stated currently juveniles are paying a higher price for not being responsible than adults are. He supported this bill.

LARRY MAJARIS, Department of Justice, Motor Vehicle Division, stated the Department does not have a position on this bill but offer an amendment starting on page 2, line 16, which clarifies. The amendment will help in avoiding confusion. (Exhibit B).

There were no further proponents and no opponents.

QUESTIONS (OR DISCUSSION) ON SENATE BILL NO. 181: Rep. Eudaily asked Mr. Majaris why the Department needs new equipment to handle the change over. He stated that special terminals are needed to suspend drivers licenses.

Rep. Brown asked Senator Van Valkenburg why all the chapters deal with juvenile driver licenses and why is it limited to traffic violations. He stated it relates to all driving related offenses and the reason it is limited to driving offenses is because the sanction is the drivers license revocation. Rep. Addy stated what Senator Van Valkenburg is attempting to make this apply to is when a drivers license can be suspended but is there anything that is being left out of the suspension procedure. Senator Van Valkenburg said that the intent is to have it relate to any driving related offenses.

Rep. Addy asked Senator Van Valkenburg if he wanted it amended as to who the fine should be paid to. He stated the general fund is getting the net amount already. The \$25.00 got into place because the original fiscal note was done improperly and showed there would be a net loss to the general fund. Now, there is a net gain to the general fund through a substitutive fiscal note.

Senator Van Valkenburg closed the hearing on SB 181.

SENATE BILL NO. 173: Senator Brown, District No. 2, stated the bill changes spousal privilege as a limitation on use of evidence in criminal and civil matters by requiring the consent of the testifying spouse rather than requiring the consent of the other spouse, and repealing limitations on the competency of a spouse to testify in criminal matters. He pointed out that in this day and age it seems nonsensical and illogical to continue with the present practice. Most states have eliminated the spousal privilege entirely. He stated it is time we bring the State of Montana into conformity of the Federal law.

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 13, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)		✓	
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)		✓	
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

B
3-13-87
1.05 5B # L&L

Suggested Amendment to Senate Bill 181
Senate Third Reading Copy

On Page 2, line 16, following: "IMMEDIATELY REINSTATE THE LICENSE"

ADD: "UNLESS THE PERSON OTHERWISE IS NOT ENTITLED TO A MONTANA LICENSE"

JUDICIAL

SENATE
BILL NO.

DATE March 13, 1987

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 24, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 24, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Reps. Gould and Hannah who were absent.

EXECUTIVE SESSION:

ACTION ON SENATE BILL NO. 338:

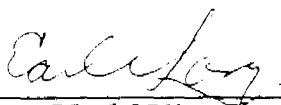
Rep. Rapp-Svrcek moved that SB 338 BE CONCURRED IN. Two sets of amendments were presented. Set number one was presented by the Railroad Company and it regards exempting the Railroad employees. (Exhibit A). Rep. Mercer moved the first set of amendments. Rep. Addy does not agree with exempting federal employees. Rep. Rapp-Svrcek opposed the first set of amendments. Rep. Mercer stated that either they are preexempted or not and withdrew his motion. Rep. Rapp-Svrcek moved the second set of amendments. (Exhibit B). Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Addy moved to amend page 1, line 20, by striking the language "that involve" and inserting the language "the primary responsibility of which is". Question was called and a voice vote was taken. The motion CARRIED 14-2 with Reps. Giacometto and Mercer dissenting. Rep. Addy moved to amend on page 1, line 24, by striking the language "BELIEVES" and inserting the language "has reason to believe". Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Mercer moved a clean up amendment on page 3, line 12. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Attached Amendments). Rep. Addy moved that SB 338 BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED unanimously. SB 338 BE CONCURRED IN AS AMENDED.

ACTION ON SENATE BILL NO. 181:

Rep. Miles moved that SB 181 BE CONCURRED IN. Rep. Miles moved amendments on page 2, line 11, inserting the language "for deposit in the state general fund". Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Mercer moved amendments on page 1, line 24 through line 1 of page 2, page 2, line 16, 21, and 24.

Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Miles moved that SB 181 BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 14-3 with Reps. Meyers, Cobb and Brown dissenting. SB 181 BE CONCURRED IN AS AMENDED.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 10:32 a.m.



EARL LORY, Chairman